EXAMINER'S AMENDMENT

- An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

- Authorization for this examiner's amendment was given in a telephone interview with

applicant's representative, DAVID W. BOYD, on 06/11/2010.

AMENDMENT TO THE CLAIMS

The listing of claims as below replaces all prior versions.

1. (Currently amended) A data management system for identifying patterns in data related to an item for which a recommendation ~~may be~~ is provided from the system to a user, the data management system comprising:

a host computer system having:

a construct repository configured to retain a plurality of construct pair reference sets, each construct pair reference set comprising at least a first descriptive term and a second descriptive term, the first descriptive term and the second descriptive term selected according to personal construct theory to represent contrasting opinions;

a graphical user interface configured to display a user-selectable control related to [[a]] displayed construct pair reference ~~set~~ sets of the plurality of retained construct pair reference sets and further configured to receive a particular user's opinion score selected between the first descriptive term and the second descriptive term of each of the displayed construct pair reference sets, the graphical user interface further configured to store in the construct repository the opinion scores received from the particular user for the displayed construct pair reference ~~set~~ sets; and

an analysis engine configured to analyze relationships among a plurality of received user opinions for construct pair reference sets retrieved from the construct repository in which the analysis engine analyses responses made by the particular user using a ~~statistically based~~ statistical process based on a

mesh to identify a set of users to which the particular user belongs and to generate a recommendation for the particular user related to an item based on the degree to which the particular user is proximal in profile to others in the set, wherein the mesh has a value that is based on the difference in opinion scores between two or more user inputs.

2-9. (Canceled)

10. (Currently amended) [[A]] The data management system according to claim 1 in which the particular user can input inputs a value score representative of their opinion by adjustment of a position of a control provided by the graphical user interface.

11. (Currently amended) [[A]] The data management system according to claim 1 in which the results of the analysis are further used to deduce a set of information items of interest to [[a]] the particular user.

12. (Currently amended) [[A]] The data management system according to claim 1 in which the system executes on a server that communicates with [[a]] the particular user over a network link.

13. (Currently amended) [[A]] The data management system according to claim 1 that includes a user data input component that executes on a remote host system.

14. (Currently amended) [[A]] The data management system according to claim 13 in which the data input component is represented in the display generated by a web browser.

15. (Currently amended) [[A]] The data management system according to claim 13 in which the data input component is generated by an applet that is downloaded to the remote host from the server.

16. (Currently amended) [[A]] The data management system according to claim 1 in which the construct pair reference set is obtained through use of a repertory grid in accordance with personal construct theory.

17. (Currently amended) [[A]] The data management system according to claim 1 in which incomplete data is processed by matching those parts of the data that are present with characteristics of existing data.

18. (Currently amended) [[A]] The data management system according to claim 17 in which the incomplete data is subject to discriminant analysis.

19. (Currently amended) [[A]] The data management system according to claim 1 in which data is subject to a process of linearisation prior to ~~its~~ being analysed.

20. (Currently amended) [[A]] The data management system according to claim 19 in which the process of linearisation includes conversion of non-numeric data to a numeric form.

21. (Currently amended) [[A]] The data management system according to claim 1 in which users are the customers of a business and wherein the output from the analysis engine includes predictive information as to the future purchasing behaviour of the customers.

22-26. (Canceled)

27. (Previously presented) The data management system of Claim 1 in which the item is selected from one of a person, a product, a service, a topic, a concept, an event, and an experience.

28. (Previously presented) The data management system of Claim 1 wherein the user-selectable control is configured to have a discrete number of settings for receiving the user's opinion about the aspect of the item.

REASONS FOR ALLOWANCE

- The following is an examiner's statement of reasons for allowance:

Prior arts of record do not render obvious, nor anticipate the combination of claimed elements including *an analysis engine configured to analyze relationships among a plurality of received user opinions for construct pair reference sets retrieved from the construct repository in which the analysis engine analyses responses made by the particular user using a statistical process based on a mesh to identify a set of users to which the particular user belongs and to generate a recommendation for the particular user related to an item based on the degree to which the particular user is proximal in profile to others in the set, wherein the mesh has a value that is based on the difference in opinion scores between two or more user inputs* as recited in claim 1. Thus, claim 1 is allowed. Dependent claims 10-21, 27 and 28 are allowed at least by virtue of their dependencies from claim 1.

• Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES K. TRUJILLO can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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